

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEWAYNE McQUEEN, Individually and on behalf of a
Class of All Others Similarly Situated, and RAY
CEDENO, Individually and on behalf of a Class of All
Others Similarly Situated,

Plaintiffs,

-against-

THE CITY OF NEW YORK, POLICE COMMISSIONER
DERMOT SHEA, Individually and in his Official Capacity,
POLICE OFFICER PETER RUOTOLO, Individually and
in his Official Capacity, POLICE OFFICER OMAR
ELTABIB, Individually and in his Official Capacity, and
NEW YORK CITY POLICE OFFICERS JOHN AND
JANE DOES,

Defendants.

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NOTICE OF REMOVAL

Kings County Supreme Court
Index No. 509993/2020

20-CV-

**TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK:**

Defendants the City of New York, Police Commissioner Dermot Shea, Police
Officer Peter Ruotolo, and Police Officer Omar Eltabib (“Defendants”), by their attorney, James
E. Johnson, Corporation Counsel of the City of New York, in accordance with 28 U.S.C. §§
1441 (a) and (c) and 1446, respectfully state:

1. Defendants hereby petition this Court for removal of the above-captioned
action, which is now pending in the Supreme Court of the State of New York, County of Kings,
bearing Index No. 509993/2020.

2. On September 17, 2020, Plaintiffs effected service on the defendants. A copy
of the New York State Courts Electronic Filing (“NYCEF”) Confirmation Notice dated
September 16, 2020, and the Summons and Complaint dated June 15, 2020, filed by Plaintiffs in

the Supreme Court of the State of New York, County of Kings, are collectively annexed hereto as Exhibit A and constitute all of the papers that have been sent to the Defendants by Plaintiffs.

3. Upon information and belief, the above-captioned action was filed in the Supreme Court of the State of New York, County of New York, on or about September 16, 2020 and service of process was made upon each of the Defendants on September 17, 2020.

4. This action is removable to this Court pursuant to 28 U.S.C. §§ 1441 (a) and (c) because the Complaint alleges that Defendants have violated Plaintiffs' rights under the Fourteenth Amendment of the United States Constitution and 42 U.S.C. § 1983. See Ex. A, Complaint, at paragraphs 130-165.

5. This Court has original jurisdiction of the foregoing federal claims under the provisions of 28 U.S.C. § 1331.

6. The within Notice of Removal is hereby filed within thirty (30) days of Defendants' receipt of Plaintiffs' Complaint.

7. All defendants consent to the removal of the above captioned action.

8. Defendants will promptly serve a copy of this Notice of Removal on Plaintiffs' counsel, and will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of Kings, pursuant to 28 U.S.C. §1446(d).

9. Defendants reserve all claims and defenses, including, without limitation, those set forth in Rule 12(b) of the Federal Rules of Civil Procedure.

WHEREFORE, Defendants respectfully request that the above-captioned action now pending in the Supreme Court of the State of New York, County of Kings, be removed therefrom to this Court.

Dated: New York, New York
October 9, 2020

JAMES E. JOHNSON
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 2-110
New York, New York 10007
(212) 356-0872
throbert@law.nyc.gov

By: s/ Thomas B. Roberts
THOMAS B. ROBERTS
Assistant Corporation Counsel

To: **BY REGULAR MAIL and EMAIL**
Alexander Klein, Esq.
Barket Epstein Kearon Aldea & Loturco, LLP
666 Old Country Road, Suite 700
Garden City, New York 11530
aklein@barketepstein.com